

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

AMBER HANEY, individually and on)	
behalf of all others similarly situated,)	Case No. 2:23-cv-46
)	
<i>Plaintiff,</i>)	Judge Travis R. McDonough
)	
v.)	Magistrate Judge Cynthia R. Wyrick
)	
CHARTER FOODS NORTH, LLC and)	
CHARTER FOODS, INC.)	
)	
<i>Defendants.</i>)	

MCKENNIA FITCH, individually and on)	
behalf of all others similarly situated,)	Case No. 2:23-cv-69
)	
<i>Plaintiff,</i>)	Judge Travis R. McDonough
)	
v.)	Magistrate Judge Cynthia R. Wyrick
)	
CHARTER FOODS, INC.)	
)	
<i>Defendant.</i>)	

ORDER

Before the Court is Plaintiff's unopposed motion to consolidate case numbers 2:23-cv-46 and 2:23-cv-69, as well as any future related actions filed, transferred, or removed to this Court.¹ (Doc. 30 in Case No. 2:23-cv-46.) Also before the Court are Defendants' motions for extension of time to file responsive pleading (Doc. 29 in Case No. 2:23-cv-46) and motion to stay responsive pleading (Doc. 16 in Case No. 2:23-cv-69). For the reasons stated herein, Plaintiff's

¹ While not stated in the motion, in the scheduling conference the parties represented that one related case is pending before the United States District Court for the Western District of Kentucky, Case Number 3:23-cv-274.

motion (Doc. 30 in Case No. 2:23-cv-46) will be **GRANTED**, and Defendants' motions for extension of time to file responsive pleading (Doc. 29 in Case No. 2:23-cv-46) and motion to stay responsive pleading (Doc. 16 in Case No. 2:23-cv-69) will also be **GRANTED**.

Under Rule 42 of the Federal Rules of Civil Procedure, courts may consolidate cases "if the actions . . . involve a common question of law or fact." When considering the consolidation, courts should consider whether "the risks of prejudice and confusion are outweighed by other factors including 'the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources.'" *Carpenter v. GAF Corp.*, 16 F.3d 1218 (table), 1994 WL 47781, at *1 (6th Cir. Feb. 15, 1994) (citing *Hendrix v. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1495 (11th Cir. 1985)). However, once the decision to consolidate is made, the suits are not "merged" into a single cause of action, nor do the rights of the parties change. See *Blanchard v. Tenn. Valley Auth.*, 2010 WL 2721491, at *2 (E.D. Tenn. July 8, 2010).

In this case, the Court finds that the above-captioned cases will likely involve common questions of law and fact such that it would be in the interest of judicial economy to consolidate them for pretrial purposes. Accordingly, Plaintiff's motion to consolidate (Doc. 30 in Case No. 2:23-cv-46) is **GRANTED**. Case Numbers 2:23-cv-46 and 2:23-cv-69 shall be **CONSOLIDATED**, with Case No. 2:23-cv-46 being designated as the lead case because it was the first to be filed chronologically. Pending final resolution of these consolidated cases, all subsequent papers, pleadings, and motions shall be filed in Case No. 2:23-cv-46. It is not necessary for the Clerk or the attorneys to note filings on each docket sheet, as it will be understood that, because of this Order, each filing in Case No. 2:23-cv-46 will be deemed to have also been filed in Case No. 2:23-cv-69. At such time as the final resolution of the

consolidated cases is made, the final order will be filed in each case, at which time the cases shall be closed.

The scheduling order previously entered in Case No. 2:23-cv-46 (Doc. 26) will be the operative scheduling order in the consolidated matter. Plaintiffs shall file a consolidated complaint by **November 15, 2023**. Defendants shall file responsive pleading by **December 15, 2023**. Defendants are **RELIEVED** of filing responses in other related cases.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE